

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 56th LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: By **CHAIRMAN ROBERT C. CLARK**, on February 8, 1999
at 8:00 A.M., in Room 312 - 1 Capitol.

ROLL CALL

Members Present:

Rep. Robert C. Clark, Chairman (R)
Rep. Dan McGee, Vice Chairman (R)
Rep. Diana Wyatt, Vice Chairman (D)
Rep. Chris Ahner (R)
Rep. Shiell Anderson (R)
Rep. Paul Clark (D)
Rep. Aubyn A. Curtiss (R)
Rep. Bill Eggers (D)
Rep. Tom Facey (D)
Rep. Steven Gallus (D)
Rep. Gail Gutsche (D)
Rep. Joan Hurdle (D)
Rep. Rick Jore (R)
Rep. Sam Kitzenberg (R)
Rep. Brad Molnar (R)
Rep. Mark Noennig (R)
Rep. Jim Shockley (R)
Rep. Loren Soft (R)
Rep. Carol Williams (D)
Rep. Cindy Younkin (R)

Members Excused: None.

Members Absent: None.

Staff Present: John MacMaster, Legislative Branch
Pam Schindler, Committee Secretary

Please Note: These are summary minutes. Testimony and
discussion are paraphrased and condensed.

Committee Business Summary:

Hearing(s) & Date(s) Posted: HB 455,, 2/7/1999

Executive Action: HB 424, HB 425- both tabled;
HB 374-Do Pass as amended

Sponsor:

Rep. Soft presented HB 455.

{Tape : 1; Side : A; Approx. Time Counter : 25 - 104}

Proponents:

Anne Gilkey, Supreme Court Assessment Program

{Tape : 1; Side : A; Approx. Time Counter : 104 - 130}

EXHIBIT (juh31a0

1)

Rosemary Miller, Catholic Social Services

*{Tape : 1; Side : A; Approx. Time Counter : 130 - 145}*Mark

Rickes, LDS Adoption Services

{Tape : 1; Side : A; Approx. Time Counter : 145 - 159}

Bill Driscoll, Catholic Social Services-adoption attorney

{Tape : 1; Side : A; Approx. Time Counter : 159 - 186}

Opponents:

None

Informational Testimony:

None

Questions from Committee Members and Responses:

{Tape : 1; Side : A; Approx. Time Counter : 186 - 361}

Closing by Sponsor:

Rep. Soft made closing statements

{Tape : 1; Side : A; Approx. Time Counter : 361 - 397}

EXECUTIVE ACTION ON HB 59

Motion: REP. MCGEE moved that HB 59 DO PASS.

EXHIBIT (juh31a0

2)

EXHIBIT (juh31a0

3)

EXHIBIT (juh31a0

4)

Motion: REP. SHOCKLEY moved that HB 59 BE AMENDED.

Discussion: REP. SHOCKLEY explained his amendment will enhance public safety with plea bargains. **Motion:** REP. CLARK moved that HB 59 BE AMENDED. Amendments appear to need work on them through the Dept, of Corrections. Rep. Hurdle moved HB 59 be postponed until amendments are correct. Motion passed; HB 59 postponed.
{Tape : 1; Side : A; Approx. Time Counter : 397 - 550}
{Tape : 1; Side : B; Approx. Time Counter : 0 - 287}

EXECUTIVE ACTION ON HB 374

Motion: REP. HURDLE moved that HB 374 DO PASS.

Motion/Vote: REP. MOLNAR moved that HB 374 BE TABLED. Motion failed 8-12 with R. Clark, Eggers, Facey, Gallus, Gutsche, Hurdle, Kitzenberg, Noennig, Shockley, Soft, Williams, and Wyatt voting no.

Motion/Vote: REP. MOLNAR moved that HB 374 BE AMENDED. Motion carried 20-0.

EXHIBIT (juh31a0

5)

EXHIBIT (juh31a0

6)

Motion/Vote: REP. R. CLARK moved that HB 374 BE AMENDED. Motion carried 11-9 with P. Clark, Facey, Gallus, Gutsche, Hurdle, Kitzenberg, Soft, Williams, and Wyatt voting no.

Motion/Vote: REP. NOENNIG moved that HB 374 BE AMENDED. Motion carried 20-0.

Motion/Vote: REP. HURDLE moved that HB 374 BE AMENDED. Motion carried 20-0.

Motion/Vote: REP. ANDERSON moved that HB 374 BE TABLED. Motion failed 8-10 with Eggers, Facey, Gallus, Gutsche, Hurdle, Kitzenberg, Noennig, Soft, Williams, and Younkin voting no. (Rep. Wyatt and P. Clark absent during voting.)

Motion/Vote: REP. SOFT moved that HB 374 BE AMENDED. Motion carried 13-7 with Anderson, R. Clark, Curtiss, Eggers, Gutsche, Jore, and Wyatt voting no.

Motion/Vote: REP. GALLUS moved that HB 374 DO PASS AS AMENDED. Motion carried 14-6 with Ahner, Anderson, R. Clark, Curtiss, Jore, and McGee voting no.

{Tape : 1; Side : B; Approx. Time Counter : 287 - 550}

{Tape : 2; Side : A; Approx. Time Counter : 0 - 550}

{Tape : 2; Side : B; Approx. Time Counter : 0 - 550}

{Tape : 3; Side : A; Approx. Time Counter : 0 - 69}

EXECUTIVE ACTION ON HB 424

Motion: REP. GALLUS moved that HB 424 DO PASS.

Motion: REP. GALLUS moved that HB 424 BE AMENDED.

EXHIBIT (juh31a0

7)

Motion/Vote: REP. ANDERSON moved that HB 424 BE TABLED. Motion carried 14-5.

(Re. Hurdle absent during voting.)

{Tape : 3; Side : A; Approx. Time Counter : 69 - 290}

EXECUTIVE ACTION ON HB 425

Motion: REP. GALLUS moved that HB 425 DO PASS.

Motion/Vote: REP. HURDLE moved that HB 425 BE TABLED. Motion carried 18-2 with Gallus and Shockley voting no.

{Tape : 3; Side : A; Approx. Time Counter : 290 - 327}

EXECUTIVE ACTION ON HB 455

Motion: REP. MCGEE moved that HB 455 DO PASS.

REP. MCGEE withdrew HB 455 motion.

Meeting adjourned.

ADJOURNMENT

Adjournment: 10:50 A.M.

REP. ROBERT C. CLARK, Chairman

PAM SCHINDLER, Secretary

RC/PS

EXHIBIT (juh31aad)